

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I:        Claims 1-4, drawn to a salt tablet composition; and

Group II:       Claims 4-7, drawn to a method of making salt tablet.

Applicants elect, with traverse, Group I, Claims 1-4, for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Examiner alleges that unity of invention is lacking between the above-identified groups under PCT Rule 13.1 because, under PCT Rule 13.2, the groups lack a special technical feature for the following reason: "the common technical feature in all groups is the water soluble salt table[t] comprising between 97.5% and 98.8[%] of NaCl, iodine, K ions, Ca ions, and Mg ions having dehydrated granules of particle size distribution between 0.8 mm and 1.10 mm. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in prior art."

However, Annex B of the Administrative Instructions under the PCT, paragraph b (Technical Relationship), states (with emphasis added):

"The expression "special technical feature" is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, *considered as a whole*, makes over the prior art. The determination is made on the contents of the claims as *interpreted in light of the description* and drawings (if any)."

Applicants respectfully submit that the Examiner did not consider the contribution of the invention, *as a whole*, over the disclosure of the cited reference. Applicants also respectfully submit that the Examiner has not provided any indication that the contents of the claims *interpreted in light of the description* was considered in making the assertion of a lack of unity and therefore has not met the burden necessary to support the assertion. Therefore, the Examiner has not met the burden necessary to support the assertion of a lack of unity of the invention.

In addition, 37 C.F.R. § 1.475(b) states (in part, with emphasis added):

- (b) An international or a national stage application containing claims to different categories of invention *will be considered to have unity of invention* if the claims are drawn only to one of the following combinations of categories:
  - (1) *A product and a process specially adapted for the manufacture of said product;*

The Examiner has grouped the present claims into a product and a process of making said product, and has not met the burden in supporting the lack of a special technical feature.

Therefore, under 37 C.F.R. § 1.475(b)(1), unity of invention is present. Therefore, the Examiner has not met the burden necessary to support the assertion of a lack of unity of the invention.

Applicants submit that the Examiner has not shown that an examination of all of the present claims can be made without serious burden placed on the Examiner. Applicants further submit that the Examiner has failed to meet the burden necessary in order to sustain the requirement for restriction. Therefore, Applicants request that the requirement for restriction be withdrawn and that all of the present claims be examined on the merits.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

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